



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

08 AUG 2007

GUY McCLUNG
#114
5315-B F.M.1960 ROAD WEST
HOUSTON, TX 77069-4410

In re Application of KRIJNEN et al
U.S. Application No.: 10/537,638
PCT Application No.: PCT/GB2004/003431
Int. Filing Date: 09 August 2004
Priority Date Claimed: 13 December 2003
Attorney Docket No.: DQ 015 PCT/US
For: APPARATUS AND METHOD FOR
FACILITATING HANDLING PIPE

DECISION

This is in response to applicant's "Letter" filed 20 March 2007, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 09 August 2004, applicant filed international application PCT/GB2004/003431, which claimed priority of an earlier United States application filed 13 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 30 June 2005. the thirty-month period for paying the basic national fee in the United States expired on 12 June 2006.

On 06 June 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 February 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 March 2006, applicant purportedly filed an executed declaration via facsimile.

On 20 March 2007, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the declaration purportedly filed on 09 March 2006 is not present.

37 CFR 1.8(b) states:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

With regard to item (1) above, the present petition was promptly filed.

With regard to item (2) above, a copy of the previously transmitted declaration has been provided.

With regard to item (3) above, a statement which attests on a personal knowledge basis that the declaration was transmitted by facsimile on 09 March 2006 has not been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria,

Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459